CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:		CCRB Case #:	Ø	Force		Discourt.	U.S.
Jeffrey Mulinelli (S)		Squad #1		201606639		Abuse		O.L.	☑ Injury
Incident Date(s)		Location of In	ncident:		P	recinct:	18	Mo. SOL	EO SOL
Wednesday, 07/27/2016 9:46 PM		Gates Avenue	and Patc	hen Avenue		81	1/	27/2018	1/27/2018
Date/Time CV Reported		CV Reported	At:	How CV Reported:	:	Date/Time	Rece	eived at CCI	RB
Tue, 08/02/2016 2:38 PM		CCRB		Phone		Tue, 08/02	/2016	5 2:38 PM	
Complainant/Victim	Type	Hon	ne Addre	SS					
Witness(es)		Hon	ne Addre	SS					
Subject Officer(s)	Shield	Taxl	ID	Command					
1. POM Sean Mcdonnell	25832	9551	162	081 PCT					
2. POM Douglas Connolly	10261	9546	565	081 PCT					
3. LT Roman Israilov	00000	9328	316	081 PCT					
4. POM Michael Swift	26931	9312	288	081 PCT					
5. An officer									
6. Officers									
Officer(s)	Allegation	on				Inve	stiga	tor Recon	nmendation
A.LT Roman Israilov	Force: Lieutenant Roman Israilov used physical force against §87(2)(b)								
B.POM Michael Swift	Force: Police Officer Michael Swift used physical force against § 87(2)(b)								
C.POM Sean Mcdonnell	Force: Police Officer Sean Mcdonnell used physical force against \$87(2)(b)								
D.POM Douglas Connolly	Force: Police Officer Douglas Connolly used physical force against \$87(2)(b)								
E. An officer	Force: An officer struck § 87(2)(b) with a blunt instrument.								
F. Officers	Force: O	fficers used phy	ysical for	ce against § 87(2)(b)					
G. An officer	Force: A	n officer used p	physical fo	orce against § 87(2)					
H. Officers	Force: O	fficers hit § 87(2)((b)	against the ground	d.				
I.POM Douglas Connolly	Force: Pagainst		ouglas Co	onnolly used physica	al fo	rce			

<u>Case Summary</u>				
filed this complaint with the CCRB via phone on August 2, 2016. At the time he reported the incident, did not know the incident date. Specifically, he stated that it occurred "no less than a week ago." In addition, provided the incident location only as in the vicinity of Gates Avenue. The AIDED report prepared for this incident revealed that it occurred on July 27, 2016, at 9:46 p.m., near the intersection of Gates Avenue and Patchen Avenue in Brooklyn.				
On July 27, 2016, at approximately 9:46 p.m., Lt. Roman Israilov and PO Michael Swift, of the 81st Precinct, were conducting routine patrol in the vicinity of Gates Avenue and Patchen Avenue in Brooklyn when Lt. Israilov observed [197(2)] lying on the sidewalk. [197(2)] s cousin, [197(2)] was standing near [197(2)] attempted to stand up, Lt. Israilov and PO Swift grabbed [197(2)] s arms and attempted to handcuff him. At some point, PO Sean McDonnell and PO Douglas Connolly, also of the 81st Precinct, arrived. The officers took [197(2)] to the ground, where he landed face down (Allegations A through D). An officer allegedly struck [197(2)] on his left ribcage with an unknown object (Allegation E). As the struggle continued, officers reportedly placed their bodyweight on top of [197(2)] s torso (Allegation F). An officer allegedly punched [197(2)] and then grabbed [197(2)] s right arm and intentionally struck [197(2)] s right elbow against the ground, causing an abrasion to his right elbow (Allegations G and H). An officer reportedly pressed [197(2)] s head into the ground, causing an abrasion near [197(2)] s right temple (also Allegation H). Once [197(2)] was handcuffed, officers reportedly rolled him onto his back, at which point PO Connolly allegedly placed his foot on [197(2)] s chest (Allegation I). When [197(2)] was ultimately transported to [197(2)] september [197(2)] reported that he was treated for a fractured left rib and lacerations to his elbows and right hip. He was not arrested or summonsed.				
Following the CCRB's identification of the incident date, time, and location via the AIDED report, the CCRB's Field Team visited the incident location on August 25, 2016, and found there to be no cameras at the nearby deli. Field Team investigators discovered a nearby building with a camera but were unable to access it or glean any contact information for the management company or superintendent. The undersigned investigator's attempts to reach the management company or superintendent were unsuccessful. As such, no video footage was obtained for this incident [see IAs].				
Mediation, Civil and Criminal Histories				
declined to mediate this complaint \$87(2)(b)				
As of September 28, 2016, no Notice of Claim has been filed in regards to this incident [01 Board Review].				
§ 87(2)(b), § 87(2)(c)				

Civilian and Officer CCRB Histories

This is the first CCRB case featuring \$87(2)(b) [03 Board Review].

This complaint marks the third CCRB case filed against Lt. Israilov in his 13 year tenure. He is the subject of a physical force allegation in case 201605265, which is pending investigation. In 2015, a vehicle search allegation was substantiated against him, and he received formalized training.

This is the seventh CCRB complaint filed against PO Swift during his 14 year tenure. No allegations have been substantiated against him. He was the subject of a physical force allegation, which was exonerated, in 2006. He is also the subject of a physical force allegation in case 201605265, which is pending investigation.

This is the third CCRB case filed against PO McDonnell during his three year tenure. There have been no allegations substantiated against him. A physical force allegation pled against him in case 201600432 was withdrawn.

This is the first CCRB case filed against PO Connolly during his three year tenure.

Findings and Recommendations

Subject Officer Identification

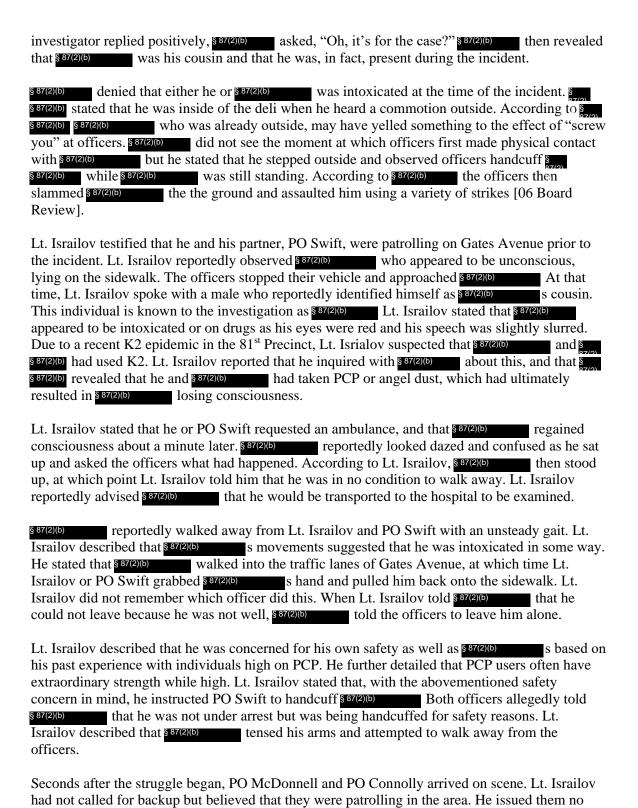
and \$87(2)(b) had poor memories of this incident and struggled to accurately

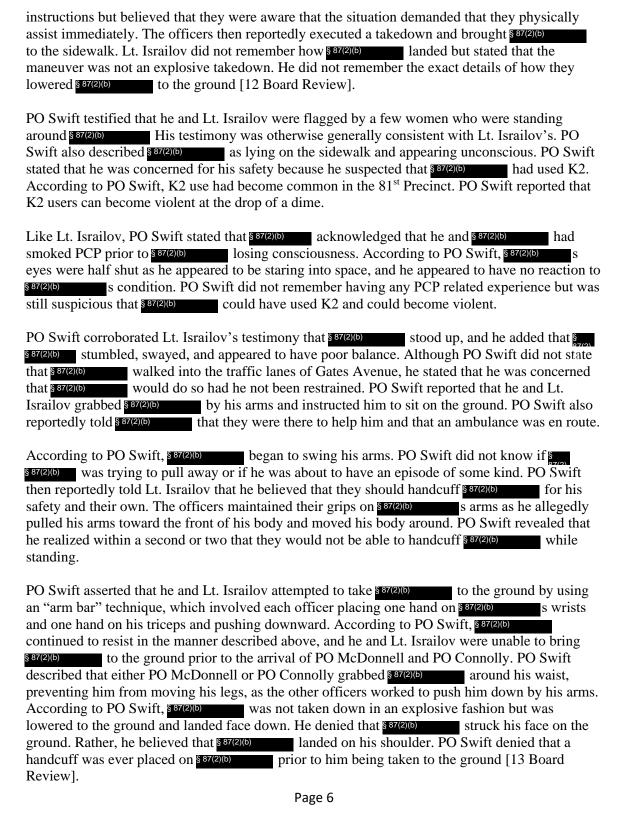
and poor memories or this incident and struggled to decurately
describe the officers who participated in it. \$87(2)(b) was unable to provide any description of
the subject officers in his statement to the CCRB's Intake Unit [04 Board Review]. A week later,
provided a sworn statement and gave vague descriptions for the four officers on
scene. Specially, \$87(2)(b) described the first of the four officers as a Hispanic male in his 40s
who was taller than 5'5" and had a muscular build. All of the officers on scene were white males
who stood taller than 5'5". \$87(2)(b) stated that the officer who placed his foot on
s chest late in the incident was taller than all of the other officers. PO Connolly's MOS
photo revealed that he is 6'2", while the next tallest officer, PO Swift, was 6'0". The others were
5'10" tall [08-11 Board Review]. \$87(2)(b) described the other two officers as follows: one
was a white or Hispanic male who stood 5'8" or 5'9" and was heavy set, while the other was a
male, possibly of Italian descent, who was taller than 5'5" and was not slim [05 Board Review].
described only one subject officer. While he stated that this officer used force against
he did not specify that the officer placed his foot on § 87(2)(b) s chest. He
described this officer as looking like Private Ryan from the movie Saving Private Ryan [06 Board
Review]. Private Ryan, played by actor Matt Damon, had light colored hair [07 Board Review].
PO Connolly was the only officer present with light brown hair. PO Swift, PO McDonnell, and
Lt. Israilov were bald or nearly bald. Lt. Israilov, PO Swift, PO McDonnell, and PO Connolly all
testified that no additional units responded. §87(2)(9)

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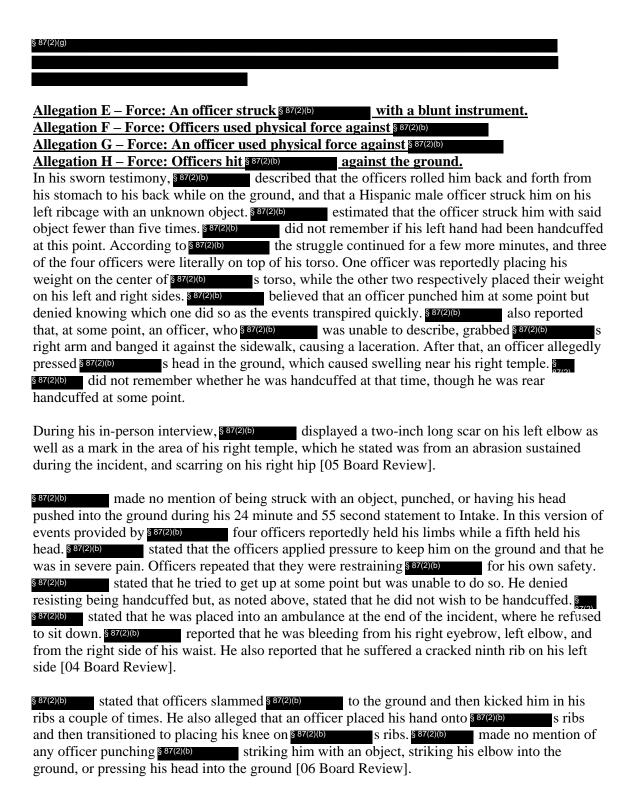
Allegation A – Force: Lieutenant Roman Israilov used physical force against \$27(2)(5) Allegation B – Force: Police Officer Michael Swift used physical force against [387(2)(5)] Allegation C – Force: Police Officer Sean McDonnell used physical force against (1987/2015) Allegation D – Force: Police Officer Douglas Connolly used physical force against 337(2)(5) filed this complaint via phone with the CCRB. During his initial statement to the CCRB's Intake Unit, \$87(2)(b) remembered neither the exact incident date nor its location. Rather, he stated that the incident happened no less than a week prior to his call, and that the location of occurrence was near Gates Avenue in Brooklyn. \$37(2)(5) acknowledged that he had been drinking alcohol that day but was not drunk. He then revealed that he felt light headed upon exiting the store, at which time he sat down on the sidewalk. According to \$87(2)(5) four to five uniformed officers suddenly appeared, got on top of him, and restrained him. was unable to describe any of these officers. § \$7(2)(b) denied resisting but stated that he did not want to be handcuffed. § 87(2)(b) never described being taken to the ground by officers [04 Board Review]. In his sworn statement, § 87(2)(b) testified that he was with his cousin, § 87(2)(b) at the time of the incident. He denied drinking alcohol or using any drugs prior to the incident. According to he purchased non-alcoholic beverages from a deli, which he did not remember the location of, and stepped outside. §87(2)(b) reported that he was feeling somewhat dehydrated at that moment. § 87(2)(b) reported that he listened to some music upon exiting the deli. He shook his head and danced. [87(2)(b) then described that he voluntarily lowered himself to the ground to "do a move." \$87(2)(6) first assumed a seated position and then lay on his back with his hands behind his head for a few minutes. \$87(2)(b) was standing near \$87(2)(b) There were other people around, but § 87(2)(b) did not know them. initially stated that he was on the ground when four officers arrived. He did not remember if the officers were uniformed. § 37(2)(b) later revealed that he was in the process of standing up when officers arrived. §87(2)(6) reported that the officers grabbed his arms as he was standing up. The officers said nothing during this time. The officers pulled §87(2)(b) right arm behind his back and secured a handcuff on it. § 37(2)(b) denied having any memory of resisting. The officers reportedly took \$37(2)(b) to the ground after less than one minute by pulling him by his arms. § 87(2)(b) reported that the landed face down. According to s account, only the one handcuff was secured at the time he was taken to the ground. stated that his poor memory of the incident stemmed from his head striking the ground during the struggle. He also claimed that he had been stabbed in the right temple years earlier, though he did not state that this affected his memory [05 Board Review]. During his phone statement to the CCRB, §37(2)(b) initially denied knowing who §37(2)(b) was. When asked if he was present for a recent incident involving §87(2)(b) replied, § 87(2)(b) Who is that? I don't know who you're talking about." § 87(2)(b) asked if the individual in question had dark hair and was short. When the undersigned

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PO McDonnell and PO Connolly corroborated the testimonies of Lt. Israilov and PO Swift in stating that they learned from \$\frac{87(2)(0)}{2}\$ that \$\frac{87(2)(0)}{2}\$ was already underway in a standing position. PO McDonnell corroborated PO Swift's testimony that \$\frac{87(2)(0)}{2}\$ was swinging his arms, but PO Connolly made no mention of this action. Rather, PO Connolly stated that \$\frac{87(2)(0)}{2}\$ was spitting. Although both PO McDonnell and PO Connolly acknowledged physically assisting their fellow officers, their accounts concerning their initial observations were different. PO McDonnell acknowledged that both participated in assisting Lt. Israilov and PO Swift in taking \$\frac{87(2)(0)}{2}\$ to the ground, and he described that \$\frac{87(2)(0)}{2}\$ was lowered to the ground in a controlled fashion as the officers held his arms. PO Connolly stated that \$\frac{87(2)(0)}{2}\$ was already on the ground and resisting the efforts of Lt. Israilov and PO Swift by kicking his legs and rolling around when PO Connolly and PO McDonnell arrived. PO Connolly did not remember if either of \$\frac{87(2)(0)}{2}\$ s arms was handcuffed at the time he physically engaged in the struggle [14-15] Board Review].
Patrol Guide procedure 216-01 states that officers at the scene of an incident at which an individual is acting in a deranged or erratic manner apparently caused by drug use must have the individual transported to an appropriate medical facility. According to Patrol Guide procedure 216-05, an EDP whose behavior is likely to result in injury to himself or others must be taken into protective custody. Patrol Guide procedure 221-02 defines bracing or tensing as active resistance and states that an officer must apply no more than the reasonable force necessary to gain control of an individual [16-18 Board Review].
§ 87(2)(g)
§ 87(2)(g)



provided a diagnostic imaging report from \$87(2)(b) which detailed an X-ray which found a suspected non-displaced fracture of the lateral ninth rib. \$87(2)(b) provided only one of the two pages of this report [See Privileged Medical Documents]. Medical documents from \$87(2)(b) were not available at the time of this report. \$87(2)(c)
PO Swift was the only officer to acknowledge placing his bodyweight on \$87(2)(b) s upper body in any way. Specifically, he testified that \$87(2)(b) held his right arm under his chest as PO Swift attempted to pull it free. PO Swift revealed that he leaned his shoulder into \$37(2)(b) s body as he attempted to pull \$87(2)(b) s right arm out from under \$87(2)(b) s body, and that he did this to control \$87(2)(b) s movement. Lt. Israilov stated that he placed his weight, via his hands, on \$87(2)(b) s legs during the struggle in order to control his movement. PO McDonnell and PO Connolly stated that the only force used to handcuff \$37(2)(b) was pulling on his arms. The officers universally denied striking \$37(2)(b) with an object, punching or kicking \$37(2)(b) striking \$87(2)(b) s torso, or causing him to bear their weight in any way.
PO McDonnell testified that he observed an abrasion to \$87(2)(b) s elbow, which he documented on the AIDED report. He believed this injury to be consistent with a struggle with someone who resisted arrest and maintained that no officer intentionally struck \$87(2)(b) s arm against the ground. PO McDonnell stated that he observed no injuries to \$87(2)(b) s head. Lt. Israilov stated that \$87(2)(b) s suffered scrapes during the incident but did not remember the location of said injuries. PO Swift denied observing any injuries to \$87(2)(b) s person, and PO Connolly made no mention of any injury to \$87(2)(b) [12-15, 20 Board Review].
§ 87(2)(g)
§ 87(2)(g)

then flipped on center of \$87(2)(b) did this, but mo the other office asked if he cou	tated that he was rear hand to his back. According to s chest. §87(2)(b) coments later he stated that	an officer to initially stated that he he believed that the office kept his foot on \$87(2)(b) portedly told \$87(2)(b)	ng the struggle, and that he was then placed his foot in the did not know which officer or who did so was taller than
	did not allege that any		hest during his statement to \$87(2)(6) s chest [04, 06
handcuffed. He was handcuffed on § 87(2)(b)	e denied that he or any oth d. Lt. Israilov, PO Swift, a	larified that § 87(2)(b)	
§ 87(2)(g)			
Squad: 1			
Investigator:			
investigator.	Signature	Print	Date
Squad Leader:			
	Title/Signature	Print	Date
Reviewer:	Title/Signature	Print	Date
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§ 87(2)(g)